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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA-2007-0043]

TUV SUD America, Inc.: Grant of Expansion of Recognition

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: In this notice, OSHA announces the final decision to expand the scope of recognition for TUV SUD America, Inc. (TUVAM) as a Nationally Recognized Testing Laboratory (NRTL).

DATES: The expansion of the scope of recognition becomes effective on [INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor; telephone: (202) 693-1999; email: meilinger.francis2@dol.gov.

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor; telephone: (202) 693-1911; email: robinson.kevin@dol.gov. OSHA's webpage includes information about the NRTL Program (see <http://www.osha.gov/dts/otpc/nrtl/index.html>).

SUPPLEMENTARY INFORMATION:

I. Notice of Final Decision

OSHA hereby gives notice of the expansion of the scope of recognition for TUV SUD America Inc. (TUVAM). TUVAM's expansion covers the addition of two test standards and one recognized testing site to the NRTL scope of recognition.

OSHA recognition of a NRTL signifies that the organization meets the requirements specified in 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition. Each NRTL's scope of recognition includes (1) the type of products the NRTL may test, with each type specified by its applicable test standard; and (2) the recognized site(s) that has/have the technical capability to perform the product-testing and product-certification activities for test standards within the NRTL's scope. Recognition is not a delegation or grant of government authority; however, recognition enables employers to use products approved by the NRTL to meet OSHA standards that require product testing and certification.

The agency processes an application by a NRTL for initial recognition and for an expansion or renewal of this recognition, following requirements in Appendix A, 29 CFR 1910.7. This appendix requires that the agency publish two notices in the *Federal Register* in processing an application. In the first notice, OSHA announces the application and provides its preliminary finding. In the second notice, the agency provides the final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational webpage for each NRTL, including TUVAM, which details the NRTL's scope of recognition. These pages are available from the OSHA website at: <https://www.osha.gov/nationally-recognized-testing-laboratory-program>.

TUVAM submitted two applications to OSHA for expansion of the NRTL scope of recognition. The first application, dated June 8, 2020 (OSHA-2007-0043-0051), requested the expansion of the NRTL scope of recognition to include one additional test

site located at: Daimlerstr, 40 Frankfurt am Main, Hessen 60314 Germany. The second application, dated July 12, 2021 (OSHA-2007-0043-0052), requested the expansion of the NRTL scope of recognition to include two additional test standards that were removed from another NRTL expansion application (see OSHA-2007-0043-0042). In that application, TUVAM originally requested the addition of five standards to its scope of recognition on July 12, 2021. That application was amended to remove two standards, and the final *Federal Register* notice announcing the expansion of the NRTL scope of recognition to include the other three standards was published on June 29, 2022 (see 87 FR 38784). This notice covers the remaining two standards from the July 12, 2021, expansion application and the requested testing site. OSHA staff performed an on-site review of TUVAM's testing facilities at TUVAM Frankfurt on June 14-15, 2023, in which assessors found some nonconformances with the requirements of 29 CFR 1910.7. TUVAM has addressed these issues sufficiently, and OSHA staff preliminarily determined that OSHA should grant the applications.

OSHA published the preliminary notice announcing TUVAM's expansion applications in the *Federal Register* on November 22, 2023 (88 FR 81436). The agency requested comments by December 7, 2023, but it received no comments in response to this notice. OSHA now is proceeding with this final notice to grant expansion of TUVAM's NRTL scope of recognition.

To review copies of all public documents pertaining to TUVAM's applications, go to <http://www.regulations.gov> or contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor at (202) 693-2350. Docket No. OSHA-2007-0043 contains all materials in the record concerning TUVAM's recognition. All submissions, including copyrighted material, are available for inspection through the OSHA Docket Office. Contact the OSHA Docket Office at (202) 693-2350 for assistance in locating docket submissions.

II. Final Decision and Order

OSHA staff examined TUVAM's expansion applications, conducted a detailed on-site assessment, and examined other pertinent information. Based on its review of this evidence, OSHA finds that TUVAM meets the requirements of 29 CFR 1910.7 for expansion of its recognition, subject to the limitations and conditions. OSHA, therefore, is proceeding with this final notice to grant TUVAM's expanded scope of recognition. OSHA limits the expansion of TUVAM's recognition to include the site at Frankfurt, Germany listed above and the testing and certification of products for demonstration of conformance to the test standards shown below in Table 1.

Table 1
List of Appropriate Test Standards for Inclusion in
TUVAM's NRTL Scope of Recognition

Test Standard	Test Standard Title
UL 61010-2-040	Safety Requirements for Electrical Equipment for Measurement, Control and Laboratory Use – Part 2-040: Particular Requirements for Sterilizers and Washer-Disinfectors Used to Treat Medical Materials
UL 61010-2-091	Standard for Safety Requirements for Electrical Equipment for Measurement, Control and Laboratory Use – Part 2-091: Particular Requirements for Cabinet X-Ray Systems

OSHA's recognition of the site limits TUVAM to performing product testing and certifications only to the test standards for which the site has the proper capability and programs, and for test standards in TUVAM's scope of recognition. OSHA's recognition of any NRTL for a particular test standard is limited to equipment or materials for which OSHA standards require third-party testing and certification before using them in the workplace. Consequently, if a test standard also covers any products for which OSHA does not require such testing and certification, a NRTL's scope of recognition does not include these products.

A. Conditions

Recognition is contingent on continued compliance with 29 CFR 1910.7, including but not limited to, abiding by the following conditions of recognition:

1. TUVAM must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major change in its operations as a NRTL, and provide details of the change(s);
2. TUVAM must meet all the terms of its recognition and comply with all OSHA policies pertaining to this recognition; and
3. TUVAM must continue to meet the requirements for recognition, including all previously published conditions on TUVAM's scope of recognition, in all areas for which it has recognition.

Pursuant to the authority in 29 CFR 1910.7, OSHA hereby expands the scope of recognition of TUVAM as a NRTL, subject to the limitations and conditions specified above.

III. Authority and Signature

James S. Frederick, Deputy Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue, NW, Washington, DC 20210, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 8-2020 (85 FR 58393; Sept. 18, 2020), and 29 CFR 1910.7.

Signed at Washington, DC.

James S. Frederick,
Deputy Assistant Secretary of Labor for Occupational Safety and Health.